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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The right to adequate housing: Working paper submitted by Mr. Rajindar Sachar, expert appointed pursuant to resolution 1991/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

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Introduction

1. At its forty-third session, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities adopted without a vote resolution 1991/26 in which it entrusted Mr. Rajindar Sachar with producing, without financial implications, a working paper on the right to adequate housing, with a view to determining how best to further both the recognition and the enforcement of that right.

2. In that resolution, the Sub-Commission affirmed the need for additional human rights activities leading towards full realization of the right to adequate housing for everyone, and urged all States to pursue effective policies and adopt legislation aimed at ensuring the realization of the right to adequate housing of the entire population, concentrating on those currently homeless or inadequately housed.

3. The Sub-Commission also requested Mr. Sachar to submit the working paper to the Sub-Commission at its forty-fourth session for its examination of, inter alia, how most effectively to proceed on issues concerning the human right to adequate housing.

4. This working paper should be viewed in the larger context of emerging United Nations attention to the issue of housing rights. In the first progress report of the Special Rapporteur on Economic, Social and Cultural Rights, Mr. Danilo Türk, the right to adequate housing was examined briefly within the context of future standard-setting. 1/ Mr. Türk explicitly noted that "[v]irtually no analytical work has been carried out within the human rights organs of the United Nations directly concerning housing rights", indicating both the need and desirability of carrying out such efforts. 2/

5. In its resolution on forced evictions, also adopted at its forty-third session, the Sub-Commission drew the attention of the Commission on Human Rights to: "... (b) The fact that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing". 3/

6. Although the Commission on Human Rights, the Economic and Social Council and the General Assembly adopted resolutions entitled "The realization of the right to adequate housing" between 1986 and 1988, largely in response to the 1987 United Nations-sponsored International Year of Shelter for the Homeless, resolution 1991/26 represents the first official coverage by the Sub-Commission of this right, as well as the first instance of a United Nations body expressing interest in studying the subject in detail. 4/

7. Augmenting these initiatives, a welcome and encouraging development took place at the sixth session of the Committee on Economic, Social and Cultural Rights, held in November-December 1991, at which the Committee adopted its General Comment No. 4 (1991) on the right to adequate housing (art. 11 (1) of the Covenant). The Committee has very significantly observed that the human right to adequate housing which is thus derived from the right to an adequate standard of living is of central importance for the enjoyment of economic, social and cultural rights. The Committee mentions in this Comment that it

has reviewed relevant reports and other documentation of the Commission on Human Rights and the Sub-Commission. The Committee is of the view that the right to housing should not be interpreted in a narrow or restrictive sense. The Committee clearly states that the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised. General Comment No. 4 goes on to stress that the right to adequate housing cannot be viewed in isolation from other human rights contained in the two International Covenants and other applicable international instruments.

8. The importance of this human right was further highlighted in resolution 1992/10, adopted by the Commission on Human Rights at its forty-eighth session, in which it took note with particular interest of General Comment No. 4 on the right to adequate housing and also took note of Sub-Commission resolution 1991/26 of 29 August 1991, entitled "Promoting the realization of the right to adequate housing".

9. Based on the mandate given to the author by the Sub-Commission, and the previous activities of this body, the purpose of this report is thus twofold: 1. to seek to determine how the Sub-Commission, the other human rights bodies, the specialized agencies, member Governments, non-governmental organizations, and the United Nations as a whole can best advance not only the recognition of the often reaffirmed right to adequate housing, but also identify those measures necessary for the enforcement of this right; and 2. to examine how the Sub-Commission might proceed on these and other issues related to the right to adequate housing.

10. As is the case with all analyses of specific rights, elaborating where such rights are unfulfilled, the degree to which a right is denied and seeking answers as to why such denial occurs are useful vantage points in seeking to generate clarity about legal norms which have heretofore received scarce attention.

11. Of particular concern is the fact that global indicators are neither collected nor published concerning the two central measurements of housing denial: homelessness and disaggregated indicators on inadequate housing conditions. Other critical variables such as access to land, the prevalence of forced or arbitrary evictions, the affordability and costs associated with land and housing or discrimination in the housing sphere are equally absent from official statistical sources.

12. There are, however, figures available that indicate, in general terms, the enormity of the global housing crisis being faced today. According to indicators compiled by the United Nations Centre on Human Settlements, over 100 million persons live in a state of absolute homelessness, while in excess of 1 billion persons are forced by circumstance to reside in desperately inadequate housing conditions, threatening their health, security, safety and dignity. 5/

13. The United Nations sponsored Global Strategy for Shelter to the Year 2000 unequivocally recognizes that the housing crisis is of international dimensions:

"No nation can claim to have reached the objective of adequate shelter for all citizens, and therefore, no nation can claim to possess the recipe for reaching this objective worldwide." 6/

14. Indeed, no source consulted in the preparation of this working paper indicated an improvement in this situation, but rather a rise in the global denial of housing rights. Added to the problems to be discussed below, the fact that cities in developing countries will have to accommodate an additional 750 million people by the year 2000 exposes the enormous dimensions of the global challenge presented by the human right to adequate housing.

15. While all human rights are clearly indivisible and interdependent the right to housing is a right that everyone is directly involved with, confronts and experiences everyday. Housing is as fundamental a human need as food and clothing. The lack of any of these deprives the human being of the right to live a dignified life.

16. Since the right to adequate housing is a fundamental requirement related to a primary human need, its lack must be seen as an injustice. And it is a structural injustice, which is part of the unequal distribution of income and consequently of goods and services within and among nations.

17. A democratic State must guarantee conditions in which all women and men may gain and retain adequate housing and where they and their children can live with security and dignity. Housing must be seen not simply as the provision of houses, but primarily as an instrument for the promotion of justice, equality and peace.

18. This study aims to address the questions why housing problems continue to plague all States (regardless of ideology or level of development), why these problems are growing, what relation they have to human rights and, lastly, what practical strategies might be usefully employed to grapple with and redress the housing crisis in a manner consistent with human rights. The present working paper is limited to examining key themes of housing denial that can be readily identified, and concludes with brief descriptions of areas requiring more in-depth examination and analysis.

19. The right to a secure place to live is a fundamental one. The sense of security, dignity and community gained from being able to retain a home is an essential prerequisite for the pursuit and exercise of a variety of other human rights, including the right to choose one place of residence, the right to vote, the right to popular participation, the right to health, the right to a safe environment and other rights comprising a dignified life.

20. Physical and psychological health and even life itself depend on the possibility of individuals, families and communities to have access to, to use and to enjoy the attributes afforded by an adequate dwelling. This basic human aspiration, however, has become unattainable for growing numbers of the world's citizens, in developing and developed countries alike.

I. THE CAUSES OF THE INTERNATIONAL HOUSING CRISIS

21. Identifying and analysing the structural causes of the global housing crisis should, in the view of the author, constitute a central analytical theme in forthcoming reports. Only through such an in-depth coverage can we begin to examine practical strategies aimed at projecting how the affirmation of the right to adequate housing can assist in alleviating this crisis. Although a deeper analysis will be required for this purpose, there follow short descriptions of what the author has identified as 12 of the more glaring causes of the prevailing international housing crisis.

A. The failures of government and development policies

22. Attention to the housing-related sectors has been marked by reliance on faulty data and the persistence of ill-focused budgetary allocations. Governments have fallen short of fulfilling the responsibilities and obligations accepted by them vis-à-vis the right to adequate housing. This negligence is true for countries of the North and South, in both rural and urban areas.

23. Industrialized nations are also reluctant to recognize and grapple with their own, often severe, housing crisis. What are sometimes referred to as the "four pillars" of a comprehensive housing policy in the developed countries, namely: (a) housing supply; (b) affordability; (c) quality; and (d) security of tenure, each constitute aspects of housing rights increasingly out of reach to growing numbers of citizens and residents.

24. In the United States, for instance, one half of tenants are paying rents that are unaffordable by government standards and less than 10 per cent of all renters are covered by some form of just-cause-eviction legislation. 7/ Between 3 and 5 million residents of the United States are homeless according to the National Coalition for the Homeless. 8/ In the United Kingdom more than 4 million homes are officially described as substandard accommodation, being unhygienic, damp, overcrowded, unsafe or otherwise in need of major repairs. 9/ In the 12 countries of the European Community more than 1 million persons are classified as homeless. 10/ The shift from planned to market economies in Eastern Europe and the Commonwealth of Independent States, continues to have a severe impact upon access to housing, as well as the emergence of decrepit living conditions for large segments of the population.

25. Governments, particularly in developing countries, often cite the "lack of financial or resources" as the cause for being unable to tackle the housing crisis. However, when we acknowledge that the role of government is to create conditions such that the process of housing can take place, then it becomes clear that even poor States can go a long way in addressing the problem. Future reports will attempt to give more details about what "creating conditions" can mean in practice and the preventative role that Governments can play in ensuring that people and communities can "continuously improve their living conditions", as enshrined in article 11 (1) of the Covenant on Economic, Social and Cultural Rights. As the Committee on Economic, Social and Cultural Rights has indicated with regard to States' duties:

"In essence, the obligation is to demonstrate that, in aggregate, the measures being taken are sufficient to realize the right for every individual in the shortest possible time in accordance with the maximum of available resources." 11/

B. Housing discrimination

26. Discrimination in the housing sphere remains a major problem, often resulting in the exclusion of large numbers of people (ethnic minorities, migrant workers, refugees, sexual minorities, the landless, indigenous communities, the unemployed, the elderly, the ill, ex-offenders and others) from their rightful guarantee to adequate housing.

27. Although international law and the domestic laws of many countries prohibit discrimination on grounds of race, social status or other factors, such legislation is often not enforced, and individual acts of discriminatory practices are often hard to detect and prove, and even harder to punish. None the less, active and tolerated discrimination in the housing sphere can be easily identified both in terms of equal access to housing resources, and of the de facto housing circumstances of certain groups, particularly if viewed in a macro-perspective. Countries illegally occupying territories commonly use housing discrimination as a tool for favouring their own citizens at the expense of the rights of the original inhabitants, particularly through the use of planning laws and practice of population transfer. This latter issue will be taken up in prospective reports.

28. The tolerance of segregation and the unwillingness to create conditions for the equal participation (both politically and economically) of minorities and the poor has also precipitated housing denial for groups such as persons with HIV or AIDS, children, welfare recipients and on grounds of sexual orientation. Whether in its impact on groups such as these or on entire regions of countries, the phenomenon of housing discrimination appears to be increasing. Precisely how housing and the denial of housing rights are used as malicious tools of discrimination needs further elaboration and study.

C. Environmental health, disasters and housing

29. The relationship between environmental health and housind conditions is clear. However, this symbiotic relationship is often ignored in analyses of either issue, despite the demonstrable link, for example, between outbreaks of cholera and inadequate living conditions. The World Health Organization (WHO) has recently begun to define this relationship in the following manner:

"Housing - in the broad context of dwellings together with their related neighbourhood and amenities - is the environmental factor most frequently associated with disease conditions in epidemiological analyses, i.e., inadequate and deficient housing is invariably associated with higher mortality and morbidity rates." 12/

30. In the book The Poor Die Young: Housing and Health in Third World Cities it is estimated that at least 600 million people living in urban areas of the third world live in what might be termed life- and health-threatening homes and neighbourhoods. A point encapsulated in the following disturbing terms:

> "In the Third World hundreds of millions of people live in overcrowded houses with no safe water, no sewers and no health care. There is no garbage collection service or drains to prevent flooding. For the injured there is no professional help and no ambulance to get them to hospital ... The result is an unprecedented scale of ill-health, disablement and premature death. In many squatter communities, children are 40-50 times more likely to die before reaching the age of five than their Western counterparts." (Emphasis added.) 13/

31. The appalling health conditions evident in many of the human settlements of the world constitutes an additional manifestation of housing denial; indicating how closely related housing conditions are to the sustenance of life itself. The indivisibility of survival, health, environmental conditions and housing confirms the need to view housing rights within a holistic and interdependent framework, and one which transcends the outdated "four walls and a roof" view of housing.

32. In addition to the health hazards faced daily in such settlements, all varieties of natural and man-made disasters can result in tremendous housing dilemmas. Floods, extreme storms, drought, earthquakes and other natural and man-made disasters force millions from their homes each year.

D. The withholding of information critical to housing

33. Even though it is not conventionally associated with housing, the "right to know" is a critical aspect of finding and then relating to a place to live in security and dignity. People have the right to know what housing schemes are available and where, what land is available, what their rights are in terms of water, sanitation and other services. In addition, information is critical in relation to potential hazards, whether from a chemical plant or of an impending storm. This type of information is often unavailable or suppressed.

34. In the planning and implementation of development projects, dwellers have the right to know in advance how their rights are to be affected and how they can fully participate in the decision-making that may forever affect the local housing reality. In future reports the author will examine how the withholding of such information leads to housing denial, as well as examining promotional strategies for encouraging Governments and the private sector to be more forthcoming about the availability of information affecting people's lives and homes.

E. Exploitation in the housing sphere

35. Though it will always remain a central legal responsibility of Governments to protect and ensure the housing rights of their populace, the role of third parties in the housing sphere raises a series of complex issues. Landlords can be responsible for exploitive relationships in the housing sphere, whether concerning harassment of tenants, threatened or actual eviction, arbitrary increases in rent levels, refusal to maintain or upgrade property or discriminating against potential tenants. It is a widely held

view, that the private rental sector is the official housing sector in which tenants stand the greatest chance of facing one or other form of exploitation. How human rights criteria should be applied in cases such as these and in what way will be examined in later reports.

36. Any analysis of housing rights must acknowledge that housing tenure can take many forms, including owner-occupation, public rental (social housing), private rental, cooperative housing, illegal occupation (squatting) and others - each raising different issues of possible housing-based exploitation. The type of housing one inhabits often determines which legal regime applies, which responsibilities fall on whom and which rights the dweller can expect to enjoy. These various forms of housing are commonly dealt with separately from one another; with Governments sometimes even claiming to have no control over the private rental sector. Future reports will examine how a more unified approach could be employed towards each of these forms of housing.

37. Attempts have been made in many countries to prevent exploitation in the housing sector, particularly through rent controls, protection against eviction through provision of security of tenure and by protecting the privacy of the home. As significant as these steps have been, however, exploitation in the field of housing remains a pressing problem, and should be addressed in more detail in future reports.

F. Speculation and the commoditization of housing

38. Viewing housing from the angle of human rights, and all that this approach implies, differs markedly from the commodified approach currently advocated by proponents of market-based solutions to the housing problems faced by an increasing number of people. This perspective is frequently taken by Governments and the international financial and development agencies, through an emphasis on "public-private partnerships", "enabling strategies" and the pursuit of society-wide home ownership.

39. Treating housing as a commodity, access to which is only guaranteed to those who have sufficient financial resources, contrast sharply with the nature of housing as an entitlement, which housing assumes under the human rights rubric. Leaving access to adequate housing exclusively to the market or private sector has not resulted in everyone's housing rights attaining a sufficient level of satisfaction. In a situation where real incomes continue to fall and millions of people have difficulty in meeting critical needs such as food and transport, the continuing emphasis on market solutions for providing housing remains a misguided approach.

40. Related to the commoditization of housing, the prevalence of housing speculation and concentrated land ownership continue to have a negative impact upon the realization of housing rights. Governmental tolerance of the commodification of housing and speculation (which allows owners to leave their properties unused, despite societies' unmet housing of land demands), when large segments of society are unable to have access to housing resources, must be discouraged if States are to comply fully with their obligations to fulfil

housing rights. Moreover, effective and appropriate regulations on land ownership, land use and land reform will be required to release unutilized land as a means of satisfying the housing rights of all citizens. Just as the society-wide provision of education, health care, water supply and infrastructure cannot be left exclusively to the private sector, it will remain a fundamental duty of government to intervene in the land and housing sectors in the interests of eroding two substantial barriers to housing rights; speculation and the commoditization of housing.

G. Forced evictions

41. Despite the equation of forced evictions with gross violations of human rights by various United Nations human rights bodies including the Sub-Commission, every year millions of persons from nearly every country on earth are forcibly and often arbitrarily evicted from their homes, resulting in an aggravation of the housing crisis. Though the subject of forced evictions is complex and multifaceted and should receive detailed examination as a topic of United Nations study in and of itself several explanatory remarks are necessary, particularly since this act is possibly the most blatant violation of the right to housing.

42. The forced and (more often than not) illegal removal of individuals, families and communities from their homes against their will often manifests itself in frightfully violent ways. The most common image is perhaps that of bulldozers bearing down on humble dwellings built by the people themselves, regardless of the effects such destruction will have upon the lives and aspirations of the innocent people forced from their homes.

43. But what processes create the alleged need to carry out this often violent act, and how can evictions possibly be viewed as a solution to ongoing housing problems? One book consulted by the author lists 26 of the most common justifications for initiating the eviction process, a majority of which are contingent upon either direct governmental order or tacit tolerance by public authorities. Some of these rationale are: to "beautify" the city; to build sporting stadiums or arenas; to deter future squatting; "development" projects; to eradicate safe havens for criminals; to prevent the growth of cities; to provide "good scenery" for foreign tourists; to protect historical buildings; to provide infrastructure; to mete out punishment; to separate ethnic groups; and to protect public health, hygiene and safety. 14/

44. It is also noteworthy that there appears to be an almost invariable linkage between the practice of forced evictions and the holding of international events such as the Olympic Games, world fairs, celebrations (500th anniversary of Columbus in the Americas, for instance), annual meetings of the World Bank and IMF, Miss Universe Pageants, America's Cup sailing races and visits by foreign dignitaries. This internationalization of the eviction process is also worthy of deeper consideration by the human rights bodies of the United Nations.

45. A growing number of Governments are beginning to question the merits of the practice of eviction. In this respect a valuable point was made by the representative of the Netherlands at the 1992 session of the Commission on Human Rights that:

"Often it is easier to determine that a person does not enjoy certain economic or social rights than to define an actual violation of such a right and identify a violator. Yet in some situations the concept of 'violation' can be applied without giving rise to much discussion. One can think of cases of evictions where authorities wilfully violate the right to housing ..." 15/

H. Armed conflict

46. Despite prohibitions on the destruction of civilian homes in time of war under the Fourth Geneva Convention (art. 53 and others), such practices are a tragic part of warfare which few armies seriously strive to avoid, not only destroying people's homes, but also creating waves of internal and external refugees. The extent of homelessness and insecurity generated by this often callous disregard for the housing rights of risidents has resulted in large-scale housing denial and the destruction of people's lives and identities. The long-term housing crisis evolving out of warfare merits special attention in subsequent reports.

I. The criminalization of housing

47. Although compliance with the "rule of law" is often viewed by human rights advocates as an ideal, legal critics have long recognized the underside of law. That is, instead of protecting or empowering weaker social groups, the law is utilized by dominant interest groups to substantiate their control, often at the expense of groups truly in need of legal protection. This repressive side of the law has a staggering, yet largely unknown, impact upon the realization of housing rights.

48. Governmental failure to ensure adequate housing for all, uncontrolled land prices, a non-accessible legal housing market and many of the factors addressed in this paper, when combined, form a nearly insurmountable barrier forcing people into the "illegal" housing sector. In fact, for millions of the world's dwellers nearly every aspect of their housing reality is technically illegal. They build their homes on illegally occupied land, they construct their homes in contravention of official building codes and they obtain water, food and income in ways transgressing formal laws. In the prevailing absence of social safety nets (let alone fully satisfied human rights), the poor majority in third world cities have no other choice but to find some activity which allows an income to be earned and find some form of accommodation. Put bluntly, there is something desperately wrong with legal systems in which the law must be broken in order for people to survive. 16/

49. With the majority of the poor unable to afford even the cheapest "legal" dwelling, it should come as no surprise that between 30 and 60 per cent of the urban population in developing countries live in houses and neighbourhoods which have been developed illegally and are often called "unauthorized settlements". In most cities of the developing world, between 70 and 95 per cent of all new housing is built illegally. However, most Governments continue to fail to recognize that the unnamed millions who build, organize and plan illegally are, in fact, the modern day city builders.

Indeed, most Governments tend not to recognize these bui rs as citizens with legitimate rights and entitlements to basic governmental services, a view which continues to preclude a search for the means of halting the denial of housing rights. 17/

J. Structural adjustment programmes and debt

50. The often severe impact of structural adjustment programmes and the debt crisis on housing and living conditions was addressed in the second progress report of the Special Rapporteur on Economic, Social and Cultural Rights. 18/ Burdened with debt repayments and conditionalities that dictate reductions in public expenditure, a majority of the countries which have adopted adjustment programmes have invariably reduced critical allocations towards improving living conditions. Many of the issues of housing denial identified above are aggravated by the combined cruelties of debt and adjustment. The linkages are explicit as illustrated by a statement issued by the Director-General of the World Health Organization in Lima during the devastating cholera epidemic in mid-1991 which spread to neighbouring countries:

> "The economic adjustment programme dictated by the IMF is responsible for the increasing cholera epidemic ... Without doubt, in order to comply with payments claimed by the IMF, Peru now finds itself in a position that it cannot allocate more resources to fight the cholera epidemic." 19/

51. The National Campaign for Housing Rights (NCHR) of India in a recent study asserted how clearly linked the issues of housing and adjustment are. The wide-scale change from agricultural to industrial economies, the accelerated deterioration of the environment and the rapid decline in health standards all continue to give added and life-threatening dimensions to the housing crisis already being experienced by millions across the globe. 20/

K. Poverty and the deprivation of means

52. We live in a world where in many countries large segments of the population (in some countries as high as 60 to 80 per cent) live below or near the official poverty line. In a situation in which people have to struggle to earn enough money to feed their families, the common aspiration for a place to live in security and dignity remains a distant dream. As the opportunities with respect to employment and wages continue to decline and gaps in income and status widen, more and more people are finding the dream of a place to live has transformed into a waking nightmare.

53. Growing improverishment combined with barriers such as land speculation and land hoarding, the high costs of private sector housing, the shortage of public housing facilities, the continuous deterioration of the natural resource base, and misguided government policies and legislation, have created a situation of debilitating deprivation for dwellers and communities. The urban and rural poor of the world have little or no choice when it comes to their housing realities. The slum, the shanty-town, the overcrowded tenement, the pavements, the shelter, the informal settlement and the rooftops of buildings are the only housing alternatives to a huge number of the world's citizens.

54. This sizeable population is being increasingly marginalized by the modern economy. Their skills, culture and identity are increasingly less valued in the expanding market economy, the penetration of which reduces their autonomy and their capacity for improving living conditions. The most dominant solutions now being advocated by international aid agencies and increasingly accepted by Governments, are those relying on the market and the pricing of essential housing resources such as land, water, electricity and sanitation. Relative income remains a key indicator in determining what type of dwelling, at what price and location and of what quality people can live in. But is it morally sound that the enjoyment of human rights should be contingent upon social status or income, when such rights are said to derive from being human, not whether or not one is financially well endowed?

L. The perpetuation of homelessness

55. There are no circumstances that illustrate better the consequence of the above outlined denials of housing rights than the plight of the homeless and scale of homelessness that persists in the world today. But who are the homeless? The homeless are those whom the development process excludes, those who through no fault of their own are unable to acquire legal, safe, affordable, secure and accessible housing, those who have been evicted from their previous dwellings and are now searching for a place to begin life all over again. The homeless are those fellow citizens dwelling on pavements, streets, railway stations and on park benches. The homeless are victims of governmental failure to protect housing rights, victims of biased housing laws and policies which benefit already advantaged groups to the detriment of the less fortunate.

56. In many countries homeless people are not allowed to vote, have little or no right to social welfare because they lack an address, often have difficulties finding employment, and generally represent the sector of society with the worst conditions of physical health.

57. The remainder of this working paper will very briefly address some of the key legal aspects of the human right to adequate housing which require greater coverage in subsequent reports.

II. THE SUBSTANCE AND NATURE OF THE RIGHT TO ADEQUATE HOUSING

58. The author submits that deriving a generally acceptable international approach to housing adequacy is both possible and realistic. The United Nations Global Strategy for Shelter, for instance, states:

> "Adequate housing means ... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities - all at a reasonable cost." 21/

59. The Committee on Economic, Social and Cultural Rights brought this analysis further and stated in its General Comment No. 4 that "adequate housing", as defined under the Covenant on Economic, Social and Cultural Rights, includes such aspects of the right to adequate housing as: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordable; (d) habitable; (e) accessibility; (f) location; and (g) culturally adequate.

60. The issues identified in the preceding paragraph and the 12 issues covered in section II point to the necessity of re-examining past and existing approaches to this universal human activity and, more importantly for the purposes of this study, of addressing the potentialities of a human rights based strategy towards the full realization of the right to adequate housing. There is substantial support for the principle of housing rights, exemplified by the fact that all political and economic ideologies, religions and cultures fully accept the fundamental role of the home (read: housing) in the achievement of adequate conditions of life.

61. Future reports on the realization of the right to adequate housing could therefore:

(i) Examine the relationship between this right and generally accepted principles relating to economic, social and cultural rights as found in international and national laws;

(ii) Delineate, based on legal interpretation and practical analysis, those elements which could form the basis of a system-wide United Nations view of "adequate housing";

(iii) Consider how, despite the diversity of housing needs, housing culture, visions of housing and the State's role in the housing sphere, international consensus can be achieved on the concept of the right to adequate housing; and

(iv) Examine how to define the right to adequate housing in a manner leading to the development and carrying out of cost-effective, legally-based policies, legislation and programmes designed to realize this right.

III. THE LEGAL BASIS OF HOUSING RIGHTS

62. The right to adequate housing has numerous bases in both international and regional human rights legal texts. This right is constitutionally recognized in at least 30 States, and all States maintain policies and legislation directly affecting the denial or, more positively, the realization of the right to adequate housing.

63. Internationally, the right to adequate housing is found in the following binding human rights texts: the Universal Declaration on Human Rights (art. 25.1); the Covenant on Economic, Social and Cultural Rights (art. 11.1); the Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)); the Convention on the Elimination of All Forms of

Discrimination Against Women (art. 14.2 (h)); the Convention on the Rights of the Child (art. 27.3). ILO Recommendation No. 115 on Workers' Housing (1961) addresses housing rights issues throughout its lengthy text.

64. This right can be identified in a number of United Nations declarations, including the Declaration on the Rights of the Child, 1959 (para. 4); the Declaration on Social Progress and Development, 1969 (part II, art. 10 (f)); the Vancouver Declaration on Human Settlements, 1976 (sect. III.8); the Declaration on the Right to Development, 1986 (art. 8.1); and the draft declaration on the rights of indigenous peoples (arts. 20 and 23).

65. At the regional level, an array of texts contain clauses directly related to the right to adequate housing, including documents adopted under the auspices of organizations such as the Council of Europe, the European Economic Community (EEC), the Conference on Security and Cooperation in Europe (CSCE), the Organization of American States (OAS) and the Organization of African Unity (OAU). 22/

66. Identifying legal sources of housing rights represents, of course, a crucial starting point for further and more in-depth coverage as to the contents of these rights, their linguistic formulation, the type of obligations they create and the nature of entitlement they afford. Most importantly perhaps, legal sources such as these and others need to be scrupulously appraised for their practical relevance and real significance for the more than 1 billion ill-housed and homeless citizens of the world? In other words, are housing rights justiciable, and if so, how effective can this judicial status be towards promoting the realization of this right? On the issue of justiciability, prospective analyses of the right to adequate housing could examine:

(i) Which human rights bodies have addressed cases dealing in one way or another with housing rights related issues and how have these bodies expanded or reduced the entitlements of this right in a judicial sense?

(ii) More specifically, the housing rights related case-law of several diverse countries could be examined with a view to discerning how different legal systems approach these issues;

(iii) What is the general global trend vis-à-vis the justiciability of housing rights, and how far can this approach go towards eradicating infringements of this right?

(iv) How could an eventual optional protocol to the Covenant on Economic, Social and Cultural Rights affect the prospects of the justiciability of housing rights?

67. On the more general legal issues relevant to the right to housing, future reports should seek to address a cross-section of issues, in international and domestic contexts, including:

(i) How are housing rights addressed in each of the texts, how are those rights formulated and if a legal hierarchy can be identified what are the implications?

(ii) What are the predominant historical perspectives which led to the legal recognition of housing rights? Can the travaux préparatoires of the Covenant on Economic, Social and Cultural Rights, for instance, assist in clarifying the legal content of housng rights?

(iii) Can a pattern of normative consistency be identified throughout legal foundations of housing rights viewed as a whole? Is any duplication of housing rights apparent?

(iv) Why have regional human rights systems been more hesitant in including housing rights within their respective human rights texts than international ones?

(v) How have housing rights been formulated constitutionally, and what impact have such rights had in practical terms?

(vi) How do state obligations to respect and fulfil housing rights relate to domestic legal regimes concerning, inter alia: housing law; landlord-tenant law; planning, zoning and environmental legal codes; building and construction codes; property and land use/acquisition laws; and social welfare legislation?

(vii) Is there any empirical relationship between the legal recognition of the right to adequate housing and the de facto enjoyment of this right? Have countries which recognize housing rights in the constitutional sense achieved better levels of enjoyment of this right?

IV. THE LINK BETWEEN HOUSING RIGHTS AND OTHER RIGHTS

68. There exists an obvious relationship between the enjoyment of the right to housing and the subsequent realization of several additional rights. For instance, in the absence of a reasonably fulfilled right to housing, rights such as those to privacy of the home, security of the person, freedom of movement, the right to choose one's residence, the right to equality of treatment, the right to live free from racial or other forms of discrimination and the right to life itself are essentially incapable of full enjoyment. While economic, social and cultural rights adversely affected could include the rights to the highest attainable standard of health, education and development.

69. More concretely, how does an abjectly homeless person enjoy the right to privacy? Can communities denied the protection of tenure and thus protection against forced eviction be said to enjoy the right to security of the person, the right to freedom of movement or the right to choose one's residence? Is it physically possible for slum dwellers to enjoy the highest attainable level of health, the fact being recognized that inadequate housing is the environmental issue most directly linked to the onset of preventable disease?

70. Jurisprudence at all levels (international, regional and national) has clearly established a degree of "permeability" between human rights standards. This increasing recognition of the holostic and indivisible nature of human rights encourages the analyst to question how such approaches might be further advanced. Forthcoming reports could thus address themes such as:

(i) How and to what degree jurisprudence has accepted and made pronouncements concerning the permeability between housing rights and additional rights?

(ii) Could a greater emphasis on the permeable nature of housing rights generate conditions more conducive to the justiciability of elements of housing rights?

(iii) Which rights are dependent upon the prior realization of housing rights for their own full implementation?

V. UNITED NATIONS AGENCIES AND HOUSING RIGHTS

71. Many United Nations agencies carry out programmes and support projects related in one or the other way to the issues comprising housing rights. Though it would be unrealistic to anticipate substantial involvement of most of the agencies in the legal matters pertaining to the right to adequate housing, the policies and perspectives they advocate will undoubtedly affect the manner in which housing rights are viewed by Governments and subsequently acted upon.

72. The United Nations Centre for Human Settlements (Habitat) is clearly most appropriately placed to initiate activities concerning housing rights. The Commission on Human Settlements, comprised of 58 Governments, which guides the work of the Centre, similarly possesses the capacity to act in situations directly and implicitly linked to housing rights. Only very recently, however, have either of these bodies begun to show interest in the human right to adequate housing, in spite of the obviously central role greater respect for this right could have in assisting in the fulfilment of their respective mandates. The Centre on Human Settlements is currently involved in monitoring and administering the Global Strategy of Shelter to the Year 2000, which emerged out of the 1987 International Year of Shelter for the Homeless, and which explicitly recognizes in point 13 that:

> "The right to adequate housing is universally recognized by the community of nations ... All nations without exception, have some form of obligation in the shelter sector, as exemplified by their creation of housing ministries or housing agencies, by their allocation of funds to the housing sector, and by their policies, programmes and projects ... All citizens of all States, poor as they may be, have a right to expect their Governments to be concerned about their shelter needs, and to accept a fundamental obligation to protect and improve houses and neighbourhoods, rather than damage or destroy them."

73. In addition to the Centre for Human Settlements and the Commission on Human Settlements, United Nations bodies and agencies, such as the Department for Economic and Social Development, UNICEF, UNDP, ECA, ECE, ECLAC, ESCAP, UNDRO, UNHCR, UNRISD, ILO, UNESCO, WHO, the World Bank and IMF and others each play discernable roles in the international domain of housing and human settlements. Put generally, however, housing related issues have remained largely a peripheral matter in the work of the United Nations agencies. Prospective reports could examine a variety of concerns, such as:

(i) Viewed comprehensively, what is the paradigmatic view taken by the specialized agencies towards the right to adequate housing? Which policies are supported towards this end and which are discouraged? Why have agencies been so hesitant to enter the housing rights sphere?

(ii) Do any agencies actively/financially support projects and plans which infringe housing rights, such as large-scale eviction programmes or resettlement programmes?

(iii) Which measures could be employed by the United Nations human rights programme to encourage the agencies to confront more effectively international housing denial?

VI. THE TREATY BODIES

74. The United Nations body which has done most to promote and clarify the right to adequate housing in the Committee on Economic, Social and Cultural Rights. This body, of course, is entrusted with monitoring State party compliance with, inter alia, article 11.1 of the Covenant on Economic, Social and Cultural Rights which is the most important source of housing rights found in international law. In 1990 and 1991 the Committee undertook a broad range of forward-looking steps concerning this right.

75. In short, the Committee has: (a) devoted a day of "general discussion" to the right to adequate housing (1990); (b) fully overhauled and revised the guidelines for States' reports, which now include a much expanded series of questions about housing rights; (c) begun initiating a process of declaring States parties to the Covenant to be in violation of housing rights when forced evictions are carried out by States that have ratified the Covenant; (d) adopted the first right-specific general comment at its sixth session, entitled "General Comment No. 4, The Right to Adequate Housing (art. 11.1 of the Covenant)"; and (e) generally employed are in-depth patterns of inquiry into the degree to which States parties have implemented the right to adequate housing.

76. Future reports could examine the role of the treaty bodies vis-à-vis the right to housing by looking at questions such as:

(i) In which specific ways has the Committee on Economic, Social and Cultural Rights addressed and acted upon the right to housing? What is the content and range of the Committee's jurisprudence in this respect?

(ii) How have the other treaty bodies reacted to complaints containing housing-oriented issues? Have violations been alleged?

(iii) What shape does the international/regional jurisprudence of housing rights take?

(iv) What relief can alleged victims of housing rights violations expect if they utilize the international and regional complaint mechanisms?

VII. CLARIFYING GOVERNMENTAL OBLIGATIONS

77. As stated in the Global Strategy for Shelter to the Year 2000, all Governments possess some form of obligation in the housing sphere. Elucidating State obligations concerning the human right to housing can perhaps be achieved most effectively through basing such analysis upon the norms of the Covenant on Economic, Social and Cultural Rights and the interpretation given to it by the Committee which monitors compliance with it. By examining the most central State party obligations found in article 2.1 of the Covenant: (a) "to take steps", (b) "to the maximum of its available resources", (c) "to achieving progressively the full realization of the rights" in the Covenant, with specific reference to housing rights, we will be in a better position to clarify more precisely the legal obligations resting on States. Subsequent reports could address various issues aimed at clarifying the State's obligations relating to housing rights, including:

(i) Which specific steps should be taken by States parties to the Covenant on Economic, Social and Cultural Rights, under articles 2.1 and 11.1?

(ii) Can a methodology be developed which delineates between the positive obligations of States on the one hand and negative obligations on the other?

(iii) Is it possible to define the duties of national government and local government?

(iv) How could government obligations to recognize, respect, protect and ensure housing most constructively be outlined?

(v) What are the external obligations to the international community of States parties to the Covenant?

VIII. INDIVIDUAL AND GROUP ENTITLEMENTS

78. The author is unfortunately unaware of any location where an individual or group can successfully lodge a formal request for adequate housing based on the foundations of this right under international law, and receive a dwelling immediately upon request. There are some instances where the situation comes close to this, however. The Homeless Persons Act (1977) in the United Kingdom guarantees accommodation to homeless families who are not "intentionally homeless", but does not provide similar protection to single persons. In many

countries of the North, for example the Netherlands, citizens and residents can place their names on housing waiting lists, often obtaining high-quality, affordable accommodation, but only after a waiting period of several years. As important as these examples are in delineating the individual and group entitlements associated with housing rights, a much broader practical perspective needs to be taken. We need to explore both to whom the right to adequate housing applies and in what manner. In this respect, much can be gleaned from General Comment No. 4 of the Committee on Economic, Social and Cultural Rights.

79. Housing rights are the unreserved rights of everyone, children, women and men. But how do countries approach these individual rights in practice. Do Governments, as is emphasized by many United Nations sources, actually place due emphasis on the housing problems of the most disadvantaged groups? How does an individual assert or claim her or his housing rights? To what specific goods are beneficiaries of housing rights entitled under human rights law? What is the meaning of this right in practical terms, if entitlements are impossible of access by dwellers? Future reports should seek to examine these and other related subjects with respect to the beneficiaries of housing rights.

IX. ESTABLISHING VIOLATIONS OF THE RIGHT TO HOUSING

80. The past several years have been ground breaking with respect to the issue of violations of the right to housing, particularly in the context of the work accomplished by the Committee on Economic, Social and Cultural Rights. For instance, the report of the Committee on its fourth session noted that: "The right to housing can be subject to violation. Acts and omissions consisting violation will need to be explored by the Committee, especially in the context of evictions". 23/ At its fifth session, the Committee took this approach one step further and officially declared the Government of the Dominican Republic to infringed article 11.1 of the Covenant (housing rights) owing to the prevalence of forced evictions carried out in the country. In 1991, the Committee directed further, similar, decisions towards this same Government, and at its most recent meeting also concluded that evictions which had been carried out in Panama amounted to acts inconsistent with the right to housing found in the Covenant.

81. These various decisions of the Committee indicate one possible approach by the human rights bodies towards drawing attention to the entire range of economic, social and cultural rights. The issue of housing rights violations, and of defining and understanding them, should be viewed with seriousness. Other reports could thus possibly explore:

(i) Which distinctive acts and omissions could, in a legal sense be deemed violations of housing rights?

(ii) Can a framework (utilizing the Limburg Principles, art. 2.1 of the Covenant, jurisprudence of the Committee on Economic, Social and Cultural Rights, etc.) be developed for delineating such violations through the utilization of the "layers of obligations" approach to economic, social and cultural rights, namely, to respect, promote, protect and ensure?

(iii) Can specific Governments be identified which routinely violate housing rights in a gross and systematic manner?

(iv) What are the potentialities under Economic and Social Council resolution 1503 for addressing housing rights violations?

(v) Have bodies other than the Committee on Economic, Social and Cultural Rights identified States as having infringed housing rights? If so, in what manner and through which practices?

X. HOUSING RIGHTS INDICATORS

82. The work of the Special Rapporteur of the Sub-Commission on the realization of economic, social and cultural rights on the role of indicators in measuring compliance with the obligations inherent in these rights has assisted greatly in defining the advantages and limitations of statistical measurements of this type.

83. While a great deal can and has been said concerning the function of indicator-based assessments of human rights commitments, there has been very little discussion of indicators measuring housing rights; a point raised earlier. Although many readily available indicators related to housing rights, such as access to potable water, access to sanitation services, and number of persons per room are currently available in a more or less reliable format, a range of equally, if not more crucial housing rights indicators are at present neither collected nor accessible from governmental sources.

84. Indeed, the majority of figures available concerning pivotal dimensions of housing rights, such as the number of persons homeless, the number of persons living without protection against arbitrary or forced eviction, data on housing affordability and the percentage of income spent on housing resources, the number of persons living in inadequate dwellings and many other crucial issues are generally only available owing to the efforts of community-based and non-governmental organizations active in the housing field. It is widely known that the poor are routinely left out of statistical data, in countries of the North as well as the South. Future reports on promoting the realization of the right to adequate housing could thus examine:

(i) Which indicators relevant to housing rights are currently collected and available and which are not?

(ii) The possibilities of developing a globally applicable composite indicator which accurately measured progress and attainment of the obligations linked to housing rights;

(iii) Are other initiatives under way elsewhere to develop new and applicable housing rights indicators? If so, how could the human rights bodies be included in this process?

XI. MOVEMENTS AND CAMPAIGNS FOR HOUSING RIGHTS

85. Since the mid-1980s a series of housing rights movements and campaigns have been engaged in struggles for the human right to adequate housing in more than a dozen countries. These non-governmental initiatives have been crucial in redefining the content of housing rights, providing data and insight into the scope of international housing denial and the development of alternative approaches towards addressing this plight. Within the human rights domain this is a relatively new development, focused as it is on the legal regime affecting the realization of economic, social and cultural rights. Future reports should include coverage of some of the following themes in this respect:

(i) How do these movements and campaigns view the right to housing? Are these views similar to governmental perceptions? If they differ, in what way?

(ii) Have these campaigns attained any measurable degree of success? Has legislation been changed, has case law been influenced, etc.?

(iii) How do these groups cooperate with government with a view to reorienting housing law and policy?

XII. PRELIMINARY CONCLUSIONS

86. This working paper has sought to identify some of the central issues affecting the realization of the internationally recognized human right to adequate housing - a subject long overdue for serious analytical study by the human rights bodies of the United Nations. The fundamental nature of this right, the relatively scarce coverage given to it thus far, the complex issues raised by this right and the extremely high degree to which it is not enjoyed, point to the necessity of carrying out a longer-term study on promoting the realization of the right to adequate housing.

87. The author believes that whatever the outcome of the process of examining the right to housing by the Sub-Commission, attention to this right must be sustained. The world can no longer be allowed to ignore housing rights.

Notes

1/ E/CN.4/Sub.2/1990/19, paras. 106-120.

2/ Ibid., para. 108.

3/ Resolution 1991/12.

4/ See the following resolutions, each entitled "The realization of the right to adequate housing": Commission on Human Rights resolutions 1986/36 of 12 March 1986, 1987/22 of 10 March 1987 and 1988/24 of 7 March 1988; Economic and Social Council resolution 1987/62 of 29 May 1987; and General Assembly resolutions 41/146 of 4 December 1986 and 42/146 of 7 December 1987.

5/ See the Global Strategy for Shelter to the Year 2000 (A/43/8/Add.1); General Assembly resolution 42/191, annex.

6/ Ibid., para. 9.

7/ John I. Gilderbloom and Richard P. Appelbaum, Rethinking Rental Housing, 1988, Temple University Press, Philadelphia, p. 40.

8/ Enrique Ortiz, The Right to Housing: A Global Challenge, 1990, Copevi, Mexico City, p. 9.

9/ Shelter, "Housing Britain: Let's Get to Work", 1989.

10/ Enrique Ortiz, op. cit., p. 9.

11/ General Comment No. 4 on the right to adequate housing (art. 11 (1) of the Covenant), para. 14.

12/ World Health Organization, Facts About WHO, 1990, Geneva, p. 16.

13/ Hardoy, Cairncross and Satterthwaite (eds.), The Poor Die Young: Housing and Health in Third World Cities, 1990, Earthscan Publications Ltd., p. 311.

14/ Scott Leckie, When Push Comes to Shove: Forced Evictions and International Law, 1992, Netherlands Ministry of Housing, p.23.

15/ Statement by Mr. Peter H. Kooijmans (Head of the Delegation of the Kingdom of the Netherlands) on 6 February 1992 to the Commission on Human Rights at its forty-eighth session (agenda items 7, 15 and 16).

16/ Hardoy and Satterthwaite, Squatter Citizen, 1989, Earthscan Publications Ltd., London, p. 31.

17/ Ibid., p. 12.

18/ Second progress report of the Special Rapporteur on Economic, Social and Cultural Rights, Mr. Danilo Türk, E/CN.4/Sub.2/1991/17, para. 137 ff.

19/ Press statement of Hiroshi Nakajima, Director-General of WHO (as reported in Third World Resurgence, 1991, No. 10.

20/ NCHR, "The Impact of the IMF Loan on Living Conditions in India", April 1992, NCHR, Calcutta.

21/ A/43/8/Add.1.

22/ All codified foundations of the right to adequate housing and related rights can be found in: Legal Sources of the Right to Housing in International Human Rights Law, February 1992, published by the Centre on Housing Rights and Evictions (COHRE), Utrecht, Netherlands.

23/ Committee on Economic, Social and Cultural Rights, Report of the fourth session (15 January-2 February 1990), E/C.12/1990/3, para. 285 (i).

ANNEX

A note on terminology: Reconceptualizing housing rights

1. The most common linguistic formulation under international law referring to the issue of this study is "the right to adequate housing". Section III above on the legal basis of housing rights identifies the instruments containing this term. There exist, however, both in national legislation and in colloquial usage an assortment of additional terms dealing with the human right to housing. Some of the most recurrent terms are "the right to housing", "housing rights", "the right to shelter", "the right to habitat", "the right to dwell", "the right to a home", "the right to the city" and "the right to adequate living conditions". In many regional languages and dialects there exist additional terms reflecting a holistic view of people and nature, and therefore, of housing. Loosely translated into English the terms evoking the right to housing are: "a place to live", "to settle", "to be in a place" and "to belong".

2. In contrast to this rich and complex view of housing are a set of simpler, more direct terms employed by actors (builders, developers, real-estate lobbies, international aid agencies and so forth) who prefer the market-based approach to housing. The terms most commonly used are "the right to private property", the right to property", and "the right to home-ownership". This terminology derives from a view of housing as a commodity (something to be bought and sold) and of the housing sector as an industry. Governments, including those which have enshrined housing rights in their Constitutions, in practice generally either have tended to support an exclusively market-based approach or have adopted a basic needs approach viewing housing not as a right but as a provision of welfare.

3. Even those States originally favouring the latter approach have recently begun to shift priority to the market by adopting under the considerable influence of United Nations agencies and the international financial institutions, an "enabling approach" that reduces State responsibility as well as placing substantially greater emphasis on the role of the private sector. The groups promoting enabling strategies occasionally accede to the use of or debate on the term "human right to housing". More often than not, however, they utilize this term interchangeably with the right to property and view both largely through market-based eyes. These views and the perception they reveal, obviously raise questions when examined through the lens of human rights.

4. The existence of these many terms and the two distinct streams of thought and action point to the necessity of reconceptualizing the right to adequate housing, set within a human rights framework.

5. The reconceptualization process has developed rapidly during the past two decades and has been accompanied by increasing acceptance of the standpoint that by themselves Governments have been unable to satisfy housing demands, whether in developed or developing countries. The rethinking and fresh perspectives that have emerged are also a result of a fuller comprehension and understanding of the hopes, dreams and aspirations of the majority of humanity striving for "a place to live".

6. Two examples will suffice to illustrate this reconceptualization. John Turner was one of the first writers to note that housing is viewed by many analysts first and foremost as a noun, a thing, a structure, four walls and a roof or bricks and mortar. Turner advanced a different and now widely accepted view. Namely, "housing" far from being exclusively an object, in many respects more paralleled the components of a verb; that is, housing is at least as much a process or an activity as it is a structure. From this perspective he asserted the now well-known conviction that "the important thing about housing is not what it is, but what it does in people's lives. 1/

7. More recently, the National Campaign for Housing Rights (NCHR) has articulated the human rights vision of housing as learnt from many years of interaction with grassroots groups and people's movements not only in the housing field, but also in the areas of health, environment and women's rights. In the legislation it is currently drafting on behalf of the people of India, NCHR has proposed that housing be seen as "the right of every woman, man and child to a place to live in security and dignity". NCHR has also put forth the useful proposition that if viewed as a right that confers security and dignity to people and communities, the right to housing should become an organizing principle of State policy; a principle which allows an approach to the whole field of development by synthesizing areas such as health, environment and the right to livelihood. 2/

8. These and other fresh perspectives that are based on people's common aspirations to a secure, safe and dignified place to live have formed a key impetus in the right to adequate housing gaining greater recognition and attention throughout the international community.

9. From these efforts, which simultaneously recognize the limitations of both the market and the State (although retaining a focus on the legal and other obligations of States vis-à-vis the right to adequate housing), we can glean three commonly used terms: "the right to a place to live", "the right to adequate housing", "housing rights".

10. These three terms intermesh more consistently than others with existing interpretations of the right to adequate housing under international law by bodies such as the Committee on Economic, Social and Cultural Rights. For this reason and on the basis of the points made above, the author has used and will continue in the future to utilize these three expressions interchangeably to describe the issues addressed.

11. The meaning of the right to adequate housing goes far beyond merely everyone's right to four walls and a roof over one's head. This right is far more complex than is often thought. It concerns issues such as: legal security of tenure; landlord-tenant relations; access to services, building materials and infrastructure; forced and arbitrary evictions; housing affordability and rent levels; discrimination in the housing sector; environmental health issues directly linked to housing conditions; access to land; public expenditure and the provision of housing credit; the specific housing rights entitlements of traditionally excluded groups, such as women,

children, migrant workers, the disabled or ill, the family and ethnic minorities; the right of all dwellers to participate in and influence decisions affecting their housing situation; issues of compensation following infringements of housing rights; and many other issues traditionally ignored in the discourse of human rights.

12. These issues require elucidation and conceptualization by the human rights community as a whole, prior to the emergence of a mutually agreed upon United Nations-wide approach towards promoting the full realization of the right to adequate housing.

Notes

1/ John F.C. Turner, Housing by People: Towards Autonomy in Building Environment, 1976, Marion Boyars Publishers Ltd., London.

2/ NCHR, "Draft approach paper: Towards a people's bill of housing rights" (final draft), April 1990, Calcutta, India.